**FARAD CONTINUATION SHEET NO.:**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE SIDE**
**CIVIL APPLICATION NO.1115 OF 2007**
**IN**
**SECOND APPEAL NO.896 OF 2006**
**WITH**
**CIVIL APPLICATION NO.1116 OF 2007**
**IN**
**SECOND APPEAL NO.897 OF 2006**

| Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
|---|---|

Mr S.R.Page, for the applicant.
Mr G.S.Godbole, for the respondent.

**CORAM : D.B.BHOSALE,J.**
**DATED : 17th SEPT., 2007**

**P.C.**:

Heard learned counsel for the parties.

By these civil applications, the applicant has prayed for condonation of hardly 3 days delay in filing the application for restoration of the second appeals which came to be dismissed for default vide order dated 6.7.2007. The applications were filed on 9.8.2007. The respondents opposed condonation of three days delay by filing reply affidavit

stating that the applicant has already parted with possession of the suit premises and, therefore, he cannot seek condonation of delay. I considered the reply affidavit as also the judgment impugned in Second Appeal No.897 of 2006 and more particularly the family tree of the parties involved in these proceedings. Keeping that in view and considering the reasons stated in the applications, I am inclined to allow these applications. Hence, both these applications are allowed in terms of prayer clauses (b) and (c).

Office is directed to place both the second appeals for admission on 1.10.2007.

The civil applications are disposed of.

**(D.B.BHOSALE,J.)**